

53.

THE
ANSWER
AND
DEFENCE
OF

Admiral *MATHEWS*, (T.)

Late Commander in Chief of His
MAJESTY'S Fleet in the *Mediterranean Sea*,

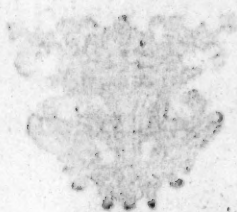
To the CHARGE exhibited against
Him.



L O N D O N :

Printed in the Year M.DCC.XLVI.

ANSWER
W. Musgrave!



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To the CHARGE exhibited against him.

ARTICLE I.

IN Answer to the First Article of the Charge, I do assert, That there is not any Instruction of his Majesty, or Rule of the Navy, which commands or directs Councils of War to be held; but it is intirely in the Judgment and Discretion of the Commander in Chief, to hold such Councils, or not, as he shall judge expedient.

II.

In the Second Article, I am charged with not having given proper Signals for the better conducting the Fleet, particularly by

not appointing Night-Signals, &c. In Answer to this, I do declare, That I gave all the necessary and usual Signals; and in the same Manner and Form in which I ever received any from the Flags I had served under, and which are contained in the Book of Sailing and Fighting-Instructions, signed and delivered by me to every Flag-Officer and Captain under my Command: Sure I am, that I never received any other from Sir *John Lake*, Earl *Berkeley*, or Lord *Torrington*; yet I flatter myself, that no Sea-Officer will object to their Abilities: But I must take the Liberty to remark, that, if Mr. *Lestock* had paid a due Obedience to the Signal for the Line of Battle abreast (which was made in the Afternoon on the 10th of *February* 1743, as soon as there was any Wind to command the Ships, and continued out till some time after I had brought to with my Division), instead of shortening Sail, and taking in Two Reefs in his Topsails (contrary to the constant Practice and Discipline of the Navy, as I had set him no Example for his so doing), no other Signal than the general Night-Signal would have been found wanting.

It is true, that the Night-Signal for bringing to does direct the Weathermost Ships to bring to first; and with Propriety; more especially in bad Weather, to prevent Ships from running foul of each other; but, I apprehend,

prehend, That was not the Case with Mr. *Lestock*; for, had he and his Division been in their proper Station, *viz.* in a Line abreast, there could have been no Ships, except those of the Enemy, for him, or any of his Division, to have run foul of; and yet nothing but this can be assigned as a tolerable Reason for his having brought-to at so great a Distance astern and to Windward of me, as I shall prove he did.

III.

In Answer to the Third Article of the Charge, I do acknowledge, That Mr. *Lestock*, and his Division, were, in the Morning of the Eleventh of *February*, full Six Miles to Windward of me and my Division; and that Mr. *Rowley* was a little to Windward, and ahead withal, but not near the Distance mentioned in the Charge: The Distance that Mr. *Lestock* was to Windward of me, was little short of so many Miles directly astern, when I made Sail after the Enemy; which I did not do till some time after Mr. *Lestock* had made Sail; although I do confess, that I should and ought to have made Sail sooner, had not he and his Division been at so great a Distance from me; which Distance was the true Cause why I was prevented from bringing the Combined Fleet to a general Engagement.

I do absolutely deny, That I sent any such Message by Lieutenant *Jasper*, as is set forth in this Third Article of the Charge; neither did I make so much Sail, as to increase Mr. *Lestock's* Distance from me; but, on the contrary, went with an easy Sail, often Yawing my Ship to and fro, on purpose to give him and his Division Time to get into their Station, agreeable to the different Signals the Nature of the Service required to be made.

IV.

To the Fourth Article of the Charge, my Answer is, That I do admit, that I made the Signal to engage the Combined Fleet, on the said Eleventh of *February* some time before I did engage; and that the Fleet was not in a regular Line of Battle; but my Reason for acting in that manner was obvious and plain, being drove to the Necessity of it by Mr. *Lestock's* extraordinary Behaviour, not only the Night before the Action, in not giving his Captain Orders (which was his indispensable Duty to have done) to keep the Station which he is said to have brought to in, *viz.* right astern of me, and at Two or Three Miles Distance; but also by his not making and continuing all the Sail he could the next Morning, though I made the proper Signal for him so to do, and likewise sent him

him repeated Messages by Two of my Lieutenants.

Notwithstanding which, Mr. *Lestock*, in his Rejoinder to my Replies, admits, That his Studding-Sails were hauled down for the *Torbay* to come up into her Station: Nevertheless I must assert, That I did not make the Signal for engaging, till the *French* edged away, and went from me, and the *Spanish* Admiral got his Main-Tack aboard, and was crouding to join the *French*; and that I was fully convinced I had no Chance for bringing the *French* to Action, unless by making the Signal for engaging, and by bearing down at the same time upon the Ten Sail of the *Spaniards*, which were at some Distance from the *French*; by which means I was in hopes to have obliged the *French* Admiral to have lain-to, and thereby to have brought on an Engagement with the Van and Centre.

V.

As to the Fifth Article of the Charge, I do acknowledge, That the 19th Article of the Fighting-Instructions does direct the Fleet to steer and engage in the Manner set forth in the Charge; and I take the Liberty to affirm, That I did strictly comply with that Direction, as long as it was in my Power; but the *French* Squadron being all clean, and the Fleet under my Command
foul,

foul, I could not possibly keep up with them, without crouding Sail, and thereby increasing the Distance from the Vice-Admiral (which I am charged with having done too much, as it was); I say, this was evident to the whole Fleet, by the *French* Admiral, who commanded in Chief, going from me with his Three Topsails, sometimes laying his Mizzen Top-sail aback: I therefore judged it absolutely necessary to act in the Manner set forth in my Answer to the Fourth Article of the Charge; and I must continue to insist, that Vice-Admiral *Lestock's* great Distance in the Morning was the sole Cause of my being forced to the Necessity of acting as I did, judging it absolutely necessary for his Majesty's Service, to come to an Engagement with any Part of the Fleet I could come at, though in never so irregular a Manner, in hopes of weakening them, before the Junction of the *Brest* Squadron took place, which was, by all my Intelligences, hourly expected. I thereby thought to have had a better Chance of saving from inevitable Destruction, so great a Part of his Majesty's Navy, at that time under my Command: And I take Leave to affirm, though I did not succeed to the Extent of my Wishes and Endeavours; yet the Success we had, separated the Two Squadrons, so that they have never acted since in Conjunction; which would not have been the Case, had I lain-to, and waited for
Mr.

Mr. *Lestock's* joining me, as has been made appear to a Demonstration, by Mr. *Lestock's* never getting up with the *Real*.

VI.

With respect to the Sixth Article of the Charge, I must confess, That I do not comprehend how my bearing down upon the *Spanish* Admiral occasioned all the Ships from the *Princess's Caroline* ahead of me, to the *Dunkirk* astern of me, to fire at the *Spanish* Squadron, otherwise than that the Ships astern in the Rear-Admiral's Division fired at them, after they had, by crowding, shot ahead of the Five Sail of my Division, which were ahead of me ; for, had the Five Sail of *Spaniards*, which were ahead, continued in a connected Line with their Admiral, as did the Two Ships ahead, and his Second astern, my Five Ships would have been sufficient, without the Assistance of any of the Rear-Admiral's Division, as plainly appears by my Line of Battle ; therefore I cannot conceive for what end the *Berwick*, *Kingston*, *Salisbury*, and *Guernsey*, are mentioned in the said Article, there being no *Spanish* Ship for them to have engaged, except those Ships mentioned before, in this Article of my Answer, to have crowded Sail ahead, and left their Admiral, in order to keep up with the *French*. As to the *Namur*, and the Ships astern of

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her,

her, attacking the *Spanish* Admiral, and the Six Sail astern of him, I have given my Reason in my Answer to the Fourth Article of the Charge, and must still insist, that it was Vice-Admiral *Lestock's* Distance from me the 11th in the Morning, which drove me to the Necessity of taking that Step.

VII.

In regard to the Seventh Article of the Charge, I do admit, That, after engaging the *Spanish* Admiral, I did shoot ahead, but not in the Manner set forth in the Charge; for I did not do it till the *Marlbrough* obliged me, in order to prevent her coming on board me, which (considering the great Swell) might have proved fatal to us both. When I had so shot ahead, I saw some of the Van were engaged, found my Mainmast and Bow-sprit were shot through, all Three Topmasts damaged, the Mizen Topmast unserviceable, Main and Mizen Yards wounded in Three Places, and many Shrouds shot, as well as the Running Rigging; I therefore judged it proper to put my Ship in a Condition to make Sail ahead, had the Engagement become general, and to have left the Seven Sail of *Spaniards* to Vice-Admiral *Lestock's* Management; conceiving that the Admiral, commanding in Chief, is not tied down to continue in any particular Station, but may alter his

his Situation, as he judges most prudent for the Good of the Service: If I erred in Judgment, I am sorry for it; but I conceive I did not; for, had the Engagement become general in the Van, it would have been highly imprudent in me not to have gone with some of the Ships of my Division, which were astern of me, to the Assistance of the Van, especially as I could not be a Stranger to the Enemy's great Superiority to our Van, and those Ships of my Division which were ahead of me: Had I acted so imprudently, I should have been told there were Ships astern of sufficient Force for the Seven Sail of *Spaniards*, and should have been deservedly censured for not going to the Assistance of the Van.

I did see the *Marlborough's* Masts were gone by the Board, and (though she did not make the Signal agreeable to the 22d Article of the Fighting Instructions) I ordered the *Dorsetshire* to go between her and the *Spanish* Admiral (whose Second astern, the *Dorsetshire* had drove out of her Station, and had quitted her); and the *Dorsetshire*, in consequence of my Orders, did assist the *Marlborough*, by engaging the *Real*, until she bore away; and afterwards I did give the *Marlborough* all the Assistance that could be given to her, considering it was Night, and there was a very great Western Swell.

VIII.

The Matters contained in the Eighth Article of the Charge are so complicated and interwoven, that it is not easy to frame a distinct and regular Answer thereto; but with respect to the Facts therein stated, it is to be observed, That although in that Article it is said, That there were no more than Five Ships of the *Spanish* Squadron, in the Rear of the Combined Fleet, that did engage within Gun-shot, yet it is notorious that there were Ten; the Ship mentioned to have lost her Mainmast, and struck to the *Berwick*, was the Ninth; and the *Neptune* (which Ship was engaged by the *Somerset* and *Princessa*) was the Tenth. I confess, it is past my Understanding to know what is meant by what follows; viz. "And the said *Thomas Mathews* had it in his Power to order and
 " dispose of his Majesty's Ships *Berwick*,
 " *Kingston*, *Salisbury*, *Guernsey*, *Bedford*,
 " *Dragon*, *Somerset*, *Princessa*, *Norfolk*,
 " *Namur*, *Dorsetshire*, *Essex*, *Rupert*, and
 " *Royal Oak*, for the immediate Destruction
 " of the said Five Ships, and to endeavour to
 " take, fire, kill, and endamage, &c." But I cannot help observing, that Care is taken not to mention any one Ship in Mr. *Lestock*'s Division, though it will be proved he had it in his Power to have engaged Five of the said Ten Sail of the *Spaniards*; and that he did complain to me against the Conduct of the Commanders

manders of the Two headmost Ships of his Division, viz. the *Cambridge* and *Dunkirk*, as appears in the following Passage, in his Answers to my Queries, viz. " Those of my " Division, that were ahead of me, were the " *Dunkirk* and *Cambridge*, both which could " have made more Sail, but they kept far " to Windward of their Situation, particularly the *Dunkirk*; and, tho' there was " little Wind with a Swell, yet, as they " sailed well, it was my Opinion, that they " might have stopped those Four Ships of " the Enemy, until me and my Division got " up." And yet, notwithstanding he was of that Opinion, he never gave them Orders to make Sail to engage, fire, kill, and endanger the Enemy, &c. tho' he full well knew, that the *Essex*, *Rupert*, and *Royal Oak*, were not of sufficient Force to stop the Five sternmost Ships of the Enemy from coming up to the Assistance of their Admiral; one of those Five Ships, namely the *Isabella*, being, of herself, near a Match for the *Royal Oak* and *Rupert*.

I do absolutely deny, That I connived at the notorious Breach of Duty in any of the Captains; for, in my Situation, I could not pretend to judge, whether the *Essex*, *Rupert*, and *Royal Oak*, were within Pointblank Shot, nor do I believe any other Person, except those that were near, and in a Line with them, could distinguish whether they were so, or not; and, as to the *Dorsetshire*, she
(by

(by the Sentence lately passed on the Tryal of her Captain) is determined to have been within extreme Pointblank during the greatest Part of the Engagement; and, consequently, is absolutely out of the Question : And I do assert, That I did not, during the Engagement, know, or was made acquainted, either from my own Observation, or otherwise, of the Behaviour of the Captains of those Ships. If Vice-Admiral *Lestock* did (as has been declared in this Tryal by *Chapman*, then Master of the *Neptune*) see, and observe to him, the ill Conduct of the Commanders of those Ships, surely it was his indispensable Duty to have taken notice of them, as well as he did, at that very Juncture of Time, of the Behaviour of the Commanders of his Majesty's Ships *Dunkirk* and *Cambridge* : And, had he thought proper (as it was his Duty to have done) to have made his Complaint to me, against the Captain of my Division, as he did against Captain *Drummond* and Captain *Purvis*, I should have brought them to a Court-Martial, as well as I did those Two Gentlemen : If I had not, I should, with Justice, have been charged with conniving at their notorious ill Conduct, as is set forth in the Charge : It is true, Lieutenant *Palliser* has charged me with having told him in Conversation, that I did, in the Time of the Engagement, take notice of his Captain's ill Conduct ; which Fact I positively deny to be true : And here the Court will permit

permit me to observe, that the same Conversation has been related to the Court Three different Ways; but I must presume, that my sending for Captain *Norris* the next Day, and detaching him to burn the *Podere*, will convince the Court, that I was not then apprised of his Misbehaviour; for it can never be thought, that I would, the very next Day, favourably have distinguished a Commander, whose ill Conduct I had so lately taken notice of.

IX.

In Answer to the Ninth Article of the Charge, I do affirm, That I made the Signal for speaking with Captain *Mackey* very early the 11th in the Morning; and that I gave him myself, by Nine of the Clock that Morning, all the necessary and proper Orders, and a private Signal when I would have him bear down; and, after I had made that Signal, he not readily complying with it, I sent my Officer twice, with Orders to him to go down. Captain *Mackey* is dead, and I had the Misfortune to lose (by a Shot taking away the Bittacle) the Paper on which all Orders given, and Signals made on the Day of Action, were then immediately wrote down; therefore I shall only repeat, That I did give Captain *Mackey* all the necessary Orders, and in time, agreeable to my Duty: His not putting them in Execution cannot,

with

with the least Shew of Justice, be laid to my Charge: As soon as I perceived his Neglect, I bore away, myself, and sent Orders to Captain *Burrisb* to cover her (being by that time convinced in my Opinion, that the *French* would not bring on an Engagement, especially as it was so near Night); and these were the only Means in my Power to use, in order to protect her; but the Fire-ship blew up, when I was very near, if not quite, within Musket-shot of her, and a little before my Orders reached the *Dorsetshire*; As to the Fireship's Priming all the Way she went down, the contrary will be proved.

X.

To the Tenth Article of the Charge, my Answer is, That I had bore down, as is set forth in the preceding Article of my Answer, with a Design to cover the Fireship; and, in case she was spent without doing Execution, to have attack'd the *Real* again: But, as it was almost dark, and as the Van and Centre of the Enemy had tacked, and our Van after them, both standing towards me on the contrary Tack to the Line of Battle, common Prudence made it necessary for me to wear, in order to prevent putting the Fleet into Confusion; which must inevitably have been the Case, had mine and the Rear Division continued any longer on the Larboard-Tack; more especially, as there
was

was at that time but little Wind, and a great Western Swell. I made the Signal for leaving off Chace, to prevent a Separation of the Fleet; and did, after I had wore, renew the Signal for the Line of Battle ahead, and jogged on with an easy Sail, and was soon after engaged with the Five sternmost *Spanish* Ships; but I positively deny, that we crouded and run away from the great Superiority of the Enemy, as is falsely and maliciously set forth in the Charge. And as to the *Spanish* Sixty-gun Ship the *Podere* (taken by his Majesty's Ship *Berwick*) being quitted and left to be retaken by the Enemy, it was unavoidable, as she was totally disabled, and there was neither Time or Wind to have taken her in Tow, and have joined the Van or Centre with her. Besides, it would have been highly imprudent for Rear-Admiral *Rowley*, considering the Situation the Van was in at that time, and so near Night, to have risked the bringing on an Engagement for the sake of endeavouring to bring off the *Podere*; which he could not have done, without bearing away, and going Two Miles to Leeward of the Line: And for him to have done that without Signal, would have made him highly criminal; as by the Twenty-first Article of the Fighting Instructions it is directed, That none of the Ships in the Fleet shall pursue any small Number of the Enemy's Ships, till the main Body be disabled or run. And,

as a conclusive Answer to so much of the Charge against me as relates to the *Podere's* being left to be retaken by the Enemy; I do positively affirm, That I did not know or hear of the *Podere's* having been taken by His Majesty's Fleet in the Engagement, till the next Morning afterwards.

As to my running from the Enemy in the Manner suggested in this Tenth Article of the Charge against me, I must assert again, that it is void of all Truth: Prudence obliged me, for many Reasons, to jog on under an easy Sail; particularly, in order to collect the Fleet, and to prevent a Separation, which it was my Duty to do. Besides, I knew not the Condition of the Van, nor of some of the headmost Ships of my own Division (some of whom had been engaged); and, as my own Ship was greatly disabled, as has been before-mention'd, and, after the Action was over, her Main-mast was supported by One Pair of Shrouds only, it would have been imprudent for me to have acted otherwise than I did; especially, as there was very little Wind, and a great Western Swell, and the Fleet not properly collected. The Condition my Ship was in made me judge it right to quit her, and go on board the *Russell*; which I did accordingly about Eight that Night. I then thought it proper to keep standing to the Northward, to collect my Ships together (which were greatly scatter'd), and to keep between the Enemy and

Toulon. As for my plying to Windward to avoid the Enemy, as is insinuated in the Charge, I utterly deny it. There was a great Western Swell, and little Wind, as before-mentioned, and that so variable, that we could not command the Ships to prevent their going about. When my Ship was about, I made the Signal to tack, to prevent Confusion, and a Separation of the Fleet.

I do allow, that I did not send any Ship to observe the Enemy's Motions the 11th of *February* at Night, judging it would have been hazardous, not only for the foregoing Reasons, but also, as the Enemy's Ships were clean, and ours foul, if I had detached any Ship on that Service, she might have been taken, without a Possibility of my preventing it, as I did not think it advisable to follow them, for the many Reasons I have already given.

XI.

With respect to the Eleventh Article of the Charge, I do acknowledge, That most of the *Spanish* Ships were, on the 12th of *February*, during the Chace, to Leeward of the *French*; and that they did not appear to be in a regular Line. But I must observe, that it was not necessary for them to form one, till they were joined by the *French*, who lay to in a Line by the *Podere* till we got within Four or Five Miles of her: And when they saw a Ship detached from me stand for her

(which was about Two o' Clock) then the *French* bore away, and stood for the *Spaniards*, who were, at that time, near Four Leagues from us. But I deny, that I saw any more than Two disabled Ships, and those were the *Podere*, and (as I believe) the *Real*, which last, I imagine, the *Isabella* had in Tow: But I affirm, that she was, when I left off Chace, full Three Leagues Distance, tho' the *French* were not above Five or Six Miles.

Several of my disabled Ships were, at the time I brought-to, on the 12th of *February* (which was about halfpast Five), astern, and did not get up with me till it was Night: And, finding I had gained very little upon the Enemy, during the whole Day, occasioned by the Foulness of our Ships, and that several of them were not in a Condition to carry all their Sails, till they had secured their Masts, Yards, and Rigging (tho' a very moderate Gale of Wind), I therefore brought-to, judging it of much greater Consequence to his Majesty's Service to return to the Coasts of *France* and *Italy*, than to pursue One disabled Ship, then at such a Distance from me, as to make it very doubtful whether I could have got up with her had I continued the Chace, for the Reasons already given. And, as for bringing on a general Engagement, by continuing the Chace, I was, from Experience, fully convinced to the contrary: For, as the *French* would not engage

engage the Day before, when they absolutely had it in their Power, but, on the other hand, did all they could to avoid it, even at the manifest Risque of sacrificing Ten Sail of the *Spaniards*; and as they would not engage our Van, when they could have done so with some tolerable Shew of Advantage; I say, all these Things consider'd, it is not reasonable to believe, that they would have waited for me. And, by all the Intelligences I had received, not only from *England*, but also from *Marseilles* and *Toulon*, it was confidently said, That the *Brest* Squadron was coming to the *Mediterranean*; and I knew for certain the Day they put to Sea. Had they come to the *Mediterranean*, and His Majesty's Fleet been separated, it is very obvious what would have been the Consequence of the Separation. And I must further observe, That I had received Intelligence, from His Majesty's Minister residing then at *Paris*, transmitted to me by His Grace the Duke of *Newcastle*, and from several others (improper to be named) that great Preparations were making in *Spain* and *France* for a large Embarkation of Troops, Cannon, and Ammunition, for *Italy*; and that they wanted to draw me down the *Streights*, in order to carry on the said Embarkation; without which they had no Hopes of Success. And I must here, in particular, take notice, that the Preservation of *Italy*

Italy was esteemed of such great Consequence to the Common Cause, that it was the next Thing given to me, in Command from His Majesty, to the Destruction of the Enemy's Fleet.

XII.

As to the Twelfth Article of the Charge, I do admit, that I detached the *Essex* with Orders to burn the *Podere*; but cannot apprehend, that it was my Duty to have preserved her, by ordering a Frigate to carry her to *Minorca*. Had it been said, That it was more consistent with my private Interest to have done so, it had been true; but the Fleet was too ill manned, and too bare of Stores, to have preferred my own, or any other's private Interest, to that of the Service; which I suppose is what is meant by saying, That it was my Duty to have preserved her.

XIII.

In regard to the Thirteenth Article of the Charge, I do acknowledge, That Vice-Admiral *Lestock* did, on the 13th of *February*, make the Signal for seeing several Ships; but the exact Number I cannot now charge my Memory with.

I did thereupon make the proper Signal for the Vice-Admiral to send some Ships of his Division to chase. For what Reason the Definition and Meaning of that Signal, in the Fighting Instructions, is set forth in the Charge,

Charge, I am at a Loss to guess: For my part, I confess, that I do not apprehend, that the Signal I order'd to be made, could, in our Situation, be taken in any other Sense than for him to send Ships of his Division to chase; which was the Purpose for which it was made.

Perhaps Mr. *Lestock* did gain upon them; but I do affirm, that no Person in my Ship, to my Knowledge, did then see them, even from our Mast-Head. But supposing they had been seen from my Mast-Head, yet I should not have pursued them, for the Reasons already given.

I was in hopes to have regained *Hieres Bay*, or the Coast of *Italy*; but the Wind would not permit me. I therefore judg'd it proper to look into the *Bay of Roses*; imagining that some of the Enemy's Ships might have put in there; and hoping also, by shewing myself on the Coast, to alarm and intimidate the Enemy from carrying on their intended Embarkations for *Italy*. I have the Pleasure to affirm, that this Part of my Conduct fully answered my Hopes, and thereby saved *Italy*: Which was of much greater Consequence to the Common Cause than taking the *Real*; which was all that the most Sanguine could reasonably expect from having continued the Chace.

XIV. and XV.

The First of these Two Articles of the Charge containing only a Repetition of the several Matters in the preceding Articles, and the latter only accusing me of Breaches of Duty in general, without specifying any one in particular, the former is, I hope, fully answered, by what I have herein before offered in my Defence: And as to the latter, I can only say, That I am not conscious of having been guilty of any Breach of my Duty, as Commander in Chief of His Majesty's Fleet in the *Mediterranean*, or of having been the principal, or any Part of the Cause of the Miscarriage of his Majesty's said Fleet.

I shall not now trouble the Court with making any Observations on the Evidence that has been offered in Support of the Charge against me, but proceed to call my Witnesses in my Defence; and, when their Examinations are gone through, I shall beg Leave to make such Remarks on the Whole, as shall appear to me to be necessary; and then I don't doubt but the Justice of this Court will induce them to think and determine, That the Charge is not supported; and that I do not deserve any Part of the Censure thereby attempted to be brought upon my Conduct.

F I N I S.



